

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

July 23, 1999

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. 1324a Proceeding
)	OCAHO Case No. 99A00021
AMERICAN CLEANING COMPANY, INC.,)	
Respondent.)	
_____)	

FINAL DECISION AND ORDER

Appearances: William F. McColough, Esquire
Immigration and Naturalization Service for complainant

Joseph P. McConnell, Esquire
Morgan, Brown & Joy for respondent

Before: Honorable Joseph E. McGuire

On January 22, 1999, complainant, acting by and through the Immigration and Naturalization Service (INS or complainant), commenced this action, which arises under the Immigration Reform and Control Act of 1986 (IRCA), as amended, 8 U.S.C. § 1324a, by having filed a five-count Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO).

The initiating pleading contained 225 alleged IRCA paperwork violations, for which civil money penalties totaling \$31,560 had been assessed.

On July 22, 1999, the parties jointly filed a Motion to Approve Consent Findings.

Under the pertinent rule of OCAHO Rules of Practice and Procedure, 28 C.F.R. 68.14 (1999), where the parties have submitted consent findings, the administrative law judge may, if satisfied with the timeliness, form and substance thereof, accept such findings by issuing a decision and order based upon the agreed findings.

It is found that the terms of the Consent Findings comply with the applicable regulations and are appropriate in timeliness, form, and substance pursuant to the provisions of the pertinent procedural rule. It is further found that under the terms of the Consent Findings and pursuant to the provisions of that procedural rule:

1. American Cleaning Company, Inc. has withdrawn its previous request for a hearing on the merits;
2. American Cleaning Company, Inc. understands that the 225 allegations set forth in Counts I through V of the Complaint will be deemed to be first offenses of section 1324a and agrees to pay civil money penalties in the total amount of \$23,000, rather than the original total assessment of \$31, 560, in full satisfaction of the Final Order and of all claims set forth in the Complaint;
3. American Cleaning Company, Inc. further agrees that since those 225 allegations contained in Counts I through V of the Complaint constitute first offenses, any future violations of the provisions of 8 U.S.C. § 1324a by American Cleaning Company, Inc. will be treated as subsequent offenses for the purpose of assessing enhanced civil money penalty sums;
4. American Cleaning Company, Inc agrees to cease and desist from any further violations of 8 U.S.C. § 1324a;
5. The parties have waived any further procedural steps before the administrative law judge;
6. Each party shall bear its own costs and attorney's fees and any other expenses which has incurred in this action;
7. The parties have waived any right to challenge or contest the validity of this Final Decision and Order;
8. The entire record on which this Final Decision and Order is bases consists solely of the Complaint, the Notice of Hearing, and the Consent Findings, which are incorporated herein by reference;
9. This Final Decision and Order shall have the same force and effect as if this ruling had been issued following a full administrative hearing.

Order

The Consent Findings, which are dispositive of all issues herein, are approved and the Complaint is hereby ordered to be dismissed with prejudice to refileing.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July, 1999, I have served copies of the foregoing Final Decision and Order on the following persons at the addressees shown, in the manner indicated:

Dea Carpenter, Esq.
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, NW, Room 6100
Washington, DC 20536-9999
(One copy sent via regular mail)

William F. McColough, Esq.
Assistant District Counsel
Immigration and Naturalization Service
P.O. Box 6246
Boston, MA 02114-9999
(One copy sent via regular mail)

American Cleaning Company, Inc.
48 Brookline Street
Cambridge Street
Cambridge, MA 02139-9999
(One copy sent via regular mail)

Joseph P. McConnell, Esq
Morgan, Brown & Joy
One Boston Place
Boston, MA 02108-4472
(One copy sent via regular mail)

Jeffrey C. Westcott
Legal Technician to
Joseph E. McGuire
Administrative Law Judge
Department of Justice
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, VA 22041
(703) 305-1043